Subject: File 2025-64274-I - Submission #6 – Equality of Minority Creeds

From Thesulfurgod@protonmail.com

To hrto.registrar@Ontario.ca , kdpcontractnotice@amazon.com, bnlegal@bn.com

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Submission #6 – Equality of Minority Creeds
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Registrar and parties,

Dismissing a minority or novel creed while accepting established religions without equivalent scrutiny would violate the equality guarantee in s.1 of the Human Rights Code. Section 1 protects “creed” as a prohibited ground of discrimination, encompassing sincerely held religious and spiritual beliefs without preference for majority or historical faiths.

The Supreme Court of Canada in *Syndicat Northcrest v. Amselem*, 2004 SCC 47, at para. 39, emphasized that the state must remain neutral and may not favour one religion over another.

The Court held that sincerity is subjective and the validity of the belief is irrelevant; only genuine adherence matters. Applying a higher threshold to minority creeds risks unconstitutional discrimination under s.15 of the Charter, as affirmed in *R. v. Big M Drug Mart Ltd.*, [1985] 1 S.C.R. 295, where religious freedom was extended to non-traditional beliefs.
International precedents support this equality. The European Court of Human Rights in *Kokkinakis v. Greece* (1993), Series A no. 260-A, protected minority religious expression against state preference for orthodoxy. Similarly, the UN Human Rights Committee in *General Comment No. 22* (1993) on Article 18 of the ICCPR stresses that freedom of religion applies equally to new, revived, or minority beliefs without discrimination.

Canadian tribunals have consistently applied this neutrality. In *Jazairi v. Ontario (Human Rights Commission)*, 1999 CanLII 3511 (ON CA), the Court of Appeal upheld protection for non-mainstream beliefs. The HRTO in *R.C. v. District School Board of Niagara*, 2013 HRTO 1383, recognized a novel spiritual belief as protected creed without requiring conformity to established doctrine.

The Ontario Court of Appeal in *Trinity Western University v. Law Society of Upper Canada*, 2018 SCC 33 (dissenting reasons adopted in part), reinforced that regulatory bodies cannot impose their own religious hierarchy. Preferring mainstream religions over novel ones echoes the discriminatory “ranking” rejected in *Multani v. Commission scolaire Marguerite-Bourgeoys*, 2006 SCC 6, where a Sikh kirpan was accommodated despite being non-traditional.
Historical Canadian cases like *Maurice v. Canada (Attorney General)*, 2002 FCT 69, protected Indigenous spiritual practices as creed, even when unfamiliar to the majority. Dismissing a Luciferian creed for its novelty would mirror the very bias the Code prohibits.

The Tribunal’s own jurisprudence in *B. v. Ontario (Human Rights Tribunal)*, 2015 HRTO 116, cautions against indirect discrimination by applying standards that disadvantage minority beliefs. Equality requires the same scrutiny—or lack thereof—applied to all creeds.

Respectfully submitted,
Brendan S. Rose
Applicant (self-represented)